

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

State of Minnesota, by the
Minnesota Pollution Control
Agency,

US EPA RECORDS CENTER REGION 5



506970

ATTORNEY GENERAL

MPCA

FILE COPY

Plaintiff,

COURT FILE NO. 670767

vs.

Reilly Tar & Chemical
Corporation,

AFFIDAVIT OF
ROBERT J. LINDALL

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, ROBERT J. LINDALL, being first duly sworn on oath, depose and say:

1. That from October, 1969 to December, 1972, I was a Special Assistant Attorney General for the State of Minnesota assigned to the Minnesota Pollution Control Agency.

2. That during that time period, I was assigned to work on the case entitled, State of Minnesota, by the Minnesota Pollution Control Agency, and the City of St. Louis Park vs. Reilly Tar and Chemical Company.

3. That I have had an opportunity to review the file concerning the above-entitled matter which file included correspondence, memoranda and attorney notes.

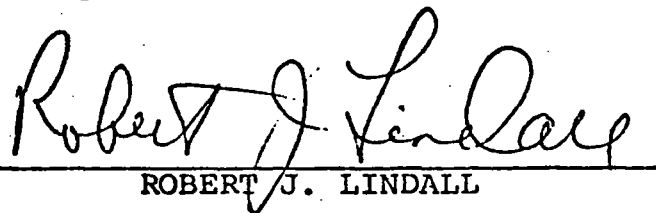
4. That during the time that I served as counsel to the Minnesota Pollution Control Agency, I did not participate in settlement negotiations between the City of St. Louis Park and Reilly Tar and Chemical Corporation concerning the acquisition of the property by the City in settlement of the City's claims against the Company, nor, to my knowledge, did any other counsel representing the State of Minnesota.

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5. That during that time period I never gave assurances to counsel representing Reilly Tar and Chemical Corporation, St. Louis Park or anyone else that the State of Minnesota would "go along with" settlement terms negotiated between the City of St. Louis Park and Reilly Tar and Chemical Corporation.

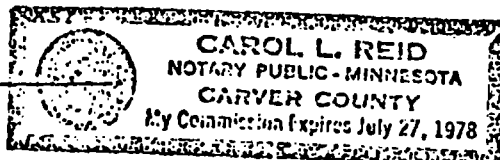
6. That during the time I served as counsel to the Minnesota Pollution Control Agency I never gave assurances to counsel representing Reilly Tar and Chemical Corporation, St. Louis Park or anyone else that the State of Minnesota would dismiss its proceeding against Reilly Tar and Chemical Corporation in consideration for a settlement between the City of St. Louis Park and Reilly Tar and Chemical Company resulting in abatement of air emissions and liquid chemical discharges by Reilly Tar and Chemical Company.

7. That any settlement of the lawsuit would have to have been authorized by the nine-member, citizen board which constitutes the Minnesota Pollution Control Agency and that I never sought, nor had any intention of seeking authorization for settlement until the extensiveness of the environmental degradation caused by Reilly Tar and Chemical Corporation had been adequately assessed and appropriate remedial measures had been decided upon.


ROBERT J. LINDALL

Subscribed and sworn to before
me this 20th day of June, 1978.


Notary Public



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